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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,954	08/22/2003	Robert H. Twyford	44.1004	2993

667 7590 06/02/2004

JOSEPH G. SEEGER
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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,954	Applicant(s) TWYFORD, ROBERT H. 92	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/646,954, Apparatus and Method for Universal Mounting of A Computer System in A Vehicle, filed on August 22, 2003.

Drawings

The drawings are objected to because figures 2A, 2B, 7, 8, and 9 should be in brackets because they are exploded views on the same page as other views, see MPEP 608.02. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 10, 14, and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency of the language in the body of the claim, thereby making the scope of the claim unclear. The preamble in claims 1, 11, and 18 clearly indicate that a subcombination is being claimed, e.g., "an apparatus for mounting computer equipment in a vehicle...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "an apparatus," the computer equipment and the vehicle being only functionally recited. This presents no problem as long as the body of the claim also refers to the computer equipment and the vehicle functionally. Claims 5, 10, and 14 clearly refer to the limitation of "said computer equipment" as a positive limitation of the claimed invention and claims 1 and 18 refer to the vehicle, i.e., "a floor of the vehicle" as a positive limitation of the claimed invention, see line 2 of claim 1, "a first member fixed to a floor...".

The examiner cannot be sure if applicant's intent is to claim merely the apparatus or the apparatus in combination with the computer equipment and the vehicle.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the apparatus alone or the combination of the apparatus and the computer equipment and/or the vehicle. Applicant should make the language of the claims consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the

subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,751,548 to Hall et al., hereinafter, Hall. Hall discloses an apparatus (10') for mounting computer equipment in a vehicle, comprising: a first member (14' & 18') fixable to a floor of the vehicle and extending upwardly therefrom; a second member (83) fixed to a top portion of the first member; a holding frame means (42') fixed to a top portion of the second member for holding the computer equipment (12'); wherein the second member includes rotating means (91) for rotating the holding frame means and the computer equipment held by the holding frame means from a home position to a plurality of positions angularly displaced from the home position; wherein the computer equipment comprises at least one of a computer, a display unit and a keyboard; wherein the rotating means rotates the holding frame means in increments from the home position; and further comprising stop means (see Fig. 9) for limiting the rotational movement of the holding frame means so that the holding frame means does not move into a position in which it interferes with operations of controls and air bags of the vehicle.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,260,486 to Boos et al., hereinafter, Boos. Boos discloses an apparatus for mounting computer equipment in a vehicle, comprising: a first member (10) fixed to a floor (11) of the vehicle and extending upward therefrom; a second member (7) fixed to a top portion of the first member; holding frame means (1) fixed to a top portion of the second member for holding the computer equipment; and a bearing rod means (101) fixed to the holding frame means.

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-5, 10, 19, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 6-9 are allowed.

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in the above mentioned claims are the limitations of an apparatus wherein a second member is fixed to one side of a top portion of a first member so that the holding frame means and the computer equipment held by the holding frame means face an occupant on one side of the vehicle; and wherein the

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second member is fixed to another side of the top portion of the first member so that the holding frame means and the computer equipment held by the holding frame means face another occupant on the another side of the vehicle, included in independent claims 1 and 6 and in combination with the other elements of the respective claims, which is not found in the prior art of record; the limitations of an indexing cylinder assembly which includes an indexing cylinder and a shaft assembly disposed within the indexing cylinder, included claims 12, in combination with the limitations cited in claim 11; and the limitations of a bearing rod means comprising a rod which extends from a lower portion of the holding frame means upward to a top portion or a middle portion of the holding frame means, and a bearing cylinder disposed at an upper end of the rod adjacent to the top or middle portion, included in claims 19 and 20, respectively and in combination with the other elements recited in claim 18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,550,001 to Hanley

U.S. Patent 3,964,612 to Skilliter, Jr. et al.

U.S. Patent 4,687,167 to Skalka et al.

U.S. Patent 4,854,538 to Von Schalscha

U.S. Patent 5,037,162 to Ransom

U.S. Patent 5,076,524 to Reh et al.

U.S. Patent 5,177,616 to Riday

U.S. Patent 5,277,392 to Rossman et al.

U.S. Patent 5,485,793 to Crowell

U.S. Patent 5,615,620 to Owen

U.S. Patent 5,673,628 to Boos

U.S. Patent 6,070,843 to Rosen

U.S. Patent 6,168,126 to Stafford

U.S. Patent 6,179,263 to Rosen et al.

U.S. Patent 6,213,438 to Ostby et al.

U.S. Patent 6,315,252 to Schultz

U.S. Patent 6,386,413 to Twyford

U.S. Patent 6,585,201 to Reed

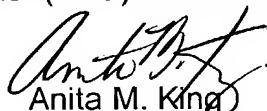
Hanley discloses a teleprinter equipment mounting assembly. Skilliter, Jr. et al. disclose an equipment support assembly which mounts communications equipment in vehicles. Skalka et al. disclose a multi-position computer support. Von Schalscha discloses an appliance-mounting device such as a computer in a motor vehicle. Ransom discloses a truck utility tray. Reh et al. disclose a TV/LCD pop-up stowage retraction means for mounting in an armrest. Riday discloses a stowable video display assembly. Rosman et al. disclose an adjustable computer monitor arm. Crowell discloses a vehicle desk. Owen discloses a desk especially adapted for use in a vehicle. Boos discloses a table for supporting and securing a portable computer in a vehicle. Rosen discloses an articulable projecting plug. Stafford discloses multi-adjustable stand for vehicle electronic components. Rosen et al. disclose a stowable support apparatus. Ostby et al. disclose a computer support for vehicle use having multiple

position adjustments. Schultz discloses a removably mounted computer stand for automobiles. Twyford discloses an apparatus and method for mounting a computer system in a vehicle. Reed discloses a detachable universal display mount.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

May 24, 2004